

**WOOD MOUNTAIN LAKOTA FIRST NATION
ANIMAL BY-LAW No. 3 - 2016**

WHEREAS pursuant to section 81(a) of the *Indian Act* the Council of a Band may make by-laws to provide for the health and safety of residents;

WHEREAS pursuant to section 81(e) of the *Indian Act* the Council of a Band may make by-laws to provide for the protection against and prevention of trespass by cattle and other domestic animals;

WHEREAS pursuant to section 81(r) of the *Indian Act* a Council of a Band may make by-laws that include an offence punishable on summary conviction and a fine or imprisonment, or both for violation of a by-law by the Council of the Band; and

WHEREAS it is deemed to be good governance and expedient to provide for the regulation of domestic animals for the protection of property and the health and safety of the people on or who enter onto the Wood Mountain Lakota First Nation Indian Reserve;

Now therefore the Quorum of Council of the Wood Mountain Lakota First Nation enacts as a by-law the following:

Title

1. This by-law shall be known as the Animal By-law.

Interpretation

2. In this by-law:

- (a) "Council" or "Council of the Band" means the Chief and Council of the Wood Mountain First Nation as defined by the *Indian Act as amended from time to time*;
- (b) "Reserve" means the tract of land set apart by Her Majesty within the definition of the *Indian Act* for the use and benefit of the Wood Mountain Lakota First Nation also known as the Wood Mountain Lakota First Nation Reserve;
- (c) "Animal" means:
 - (i) any cattle or other animal of the bovine species including bison;
 - (ii) any horse or other animal of the equine species;
 - (iii) any sheep, llama, alpaca, goat or swine; and
 - (iv) any inter-species hybrid of any of the animals mentioned in sub clauses (i) to (iii);but does not include a dog or cat.
- (d) "Owner" means the person or persons, company or other such entity that has title, ownership, custody, possession or otherwise exercises control over an Animal;
- (e) "Permit" means a permit issued pursuant to section 28(2) of the *Indian Act* ;
- (f) "Permittee" means the person or persons, company or other such entity that has been granted a permit;
- (g) "Run at large" or "Running at large" means an Animal being on lands on the Reserve, but does not include: i) those Animals which are described in a Permit issued to an Owner or Permittee and located in accordance with that Permit; or ii) those Animals under the control of the Owner or Permittee while being relocated to another pasture that the Owner or Permittee is authorized to use by Permit; and
- (h) "Road" includes highway, route, alley, path, causeway, street, thoroughfare or avenue.

Application

3. This by-law applies to the person or persons, company or other such entities that are Owners of Animals that are on or within the Reserve.

Prohibitions

4. No person shall: (a) allow or permit his or her Animal(s) to Run at large on the Reserve in any manner whatsoever; or (b) manage or locate his or her Animals in any manner which contravenes the terms or conditions of a Permit.
5. Notwithstanding the generality of the foregoing, no person shall allow his or her Animal(s) to be on any road located in the Reserve except for the purposes of relocating Animals between pastures which the Owner or Permittees is authorized to use by Permit.

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6. Any Animal that is on Reserve lands for which the Owner has not been issued a Permit or whose Permit has lapsed shall be considered to be in violation of this by-law.

Enforcement

7. Where any Owner's Animal(s) are found to be in violation of this by-law, the Council may by resolution order removal of the Animal(s) without notice to the Owner or Permittee.
8. Removal of the Animals will be done by a person designated by the Council for such removal as and where required.
9. Within three days after removal of the Animals, a written notification shall be sent to the Owner with respect to the removal of the Animals. The Owner has seven (7) days starting from the date of delivery of such notification of removal to them personally, to their residence, or their place of business to claim the Animal(s) but must prior to claiming the Animals pay to the Wood Mountain Lakota First Nation all costs associated with removal and care of the Animals.
10. Where the Owner of the removed Animals is not readily discernible, cannot be located, or is avoiding service of the written notification, or for other valid reasons, the Council, in their discretion, may instead post the written notification in a prominent location on the Reserve and the said notice shall be deemed to be delivered to the Owner or Permittee on the day on which it is so posted.


Penalty

11. Any Owner or Permittee who allows an Animal to Run at large on the Reserve is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 for each Animal found to be Running at large;
12. All costs associated with the removal of the Animal, including and not limited to the capture and holding, shall be borne by the Owner of the Animals.
13. If upon seven days after the written notification is delivered the Owner has not claimed the Animals and paid all the associated costs of removal, then at the Owner's cost the Animals may be put up for sale (e.g. auction) or disposed of. If there are any monies from the sale or disposal, it shall be first used to cover the costs of removal, including and not limited to the holding and sale, and the balance, if any shall be returned to the Owner.


Coming into Force


14. The Quorum of Council of the Wood Mountain Lakota First Nation Band of Indians at a meeting held this 6th day of November, 2016 do hereby enact this by-law No. 3 - 2016 and is effective immediately.
15. A copy of the within bylaw shall be posted in a prominent location on the Reserve.

By: 
Chief

By: 
Councillor

By: 
Councillor

By: 
Councillor

By: 
Councillor